IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 5208 of 2005

Between:

P.C. Jalayya, S/o Venkataswamy, Hindu,
R/o Somarajupalli Village, Singarayakonda (M), Prakasam District.

..... PETITIONER

A N D

1 The District Collector, Ongole Prakasam District.
2 The Mandal Revenue Officer, Singarayakonda Mandal,
Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to "Pass a Writ, Order or Direction, one in the nature of Writ Mandamus, directing the Respondents to assign the land an extent of 3 Acres to the Petitioner in Survey No. 6212/34 situated in Somarajupalli Village, Singarayakonda Mandal, Prakasam District and pass such other Order or further Orders as this Hon'ble High Court deem think fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.VENKATA SUBBA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following at the admission stage: (Order follows 2nd page)

O R D E R

This writ petition is filed to direct the respondents to assign the land in an extent of Acs:3-00 to the petitioner in survey no.6212/34 situate at Somarajupalli village of Singarayakonda Revenue Mandal in Prakasam district.

The case of the petitioner is that he is a landless poor person and resident of Somarajupalli village. He occupied the land in an extent of Acs:2-88 cents in sy.no.713/1, situate at Somarajupalli village in the year 1970. He applied for assignment of patta in the year 1974. Thereafter, the-then Tahsildar, Kandukur, assigned the land in an extent of Acs:2-88 cents in sy.no.713/1 in F.Dis.No.183/84 on 31-7-1975. Since then the petitioner is in continuous possession and paying the cist to the Government and his name has been mutated in 10 (1) accounts.

The petitioner submits that when the respondents tried to dispossess him, he filed WP.No.1396/96 before this court seeking direction not to take any steps for

resumption without following due process of law. But the said writ petition was dismissed on 31-1-1996 and thereafter the respondents have resumed the said land.

The petitioner further submits that he also filed WP.No.8844 of 1996 before this court seeking direction to the respondents to re-deliver the land in an extent of Acs:2-88 cents in sy.no.713/1, situate at Somarajupalli village of Singarayakonda Revenue Mandal, Prakasam district. The said writ petition was dismissed on 24-11-2000 holding that he failed to prove that he was in possession of the schedule land.

The petitioner submits that the respondents after holding enquiry decided that he is a landless poor person and assigned the land to him on 31-7-1975. Thereafter, his name was mutated in 10 (1) accounts. But for the reasons best known to them they have resumed the land and handed over it to the AP Residential School Authorities.

Now the petitioner submits that he requested the authorities several times to assign some other alternative land, as he is eligible for grant of patta. He further submits that there is an extent of Acs:7-00 of poramboke land in sy.no.6212/34 in Somarajupalli village of Singarayakonda Mandal, Prakasam district and he requested the authorities to assign the above said land from the Government poramboke. But the respondents neither considered his request nor assign the land to him.

The learned counsel for the petitioner submits that the petitioner filed OS.No.84 of 1986 on the file of the Court of District Munsif, Kandukur seeking permanent injunction against the respondents and the suit was decreed on 256-8-1988 granting permanent injunction in his favour and against the respondents. Now the said

decree has become final but the respondents have not considered the said decree while resuming the land.

Heard the learned counsel for the petitioner and the learned Govt.Pleader for Revenue.

Considering the facts and circumstances of the case and after hearing both sides, I deem it appropriate to dispose of the writ petition at the admission stage with a direction to the respondents to consider the request of the petitioner and assign some other alternative land, as he is a landless poor person and eligible for grant of patta. Moreover, the respondents after conducting enquiry only decided that he is a landless poor person then there is no reason as to why there should be further delay in assigning alternative land to the petitioner. It has brought to the notice of this court that there is an extent of Acs:7-00 of poramboke land in sy.no.6212/34 in Somarajupalli village of Singarayakonda Mandal, Prakasam district. If that be so, the respondent authorities are directed to assign the above said land from the Government poramboke to the petitioner within four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

JULY 11th, 2005. ----------

I S L. ELIPE DHARMA RAO, J

To

1 The District Collector, Ongole Prakasam District.
2 The Mandal Revenue Officer, Singarayakonda Mandal,
Prakasam District

3 Two CCs to Govt.Pleader for Revenue, High Court Buildings,

High Court of AP Hyderabad (OUT)

4 MR.S.VENKATA SUBBA RAO, Counsel for the Petitioner.

5 Two CD files.